

Thomas J. Cotton, Esq.
SCHENCK, PRICE, SMITH & KING, LLP
220 Park Avenue, P.O. Box 991
Florham Park, New Jersey 07932-0991
(973) 539-1000
Attorneys for Defendant,
Pro Custom Solar LLC d/b/a Momentum Solar

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

STEWART SMITH and BRENNAN
LANDY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

PRO CUSTOM SOLAR LLC d/b/a
MOMENTUM SOLAR,

Defendant.

CIVIL ACTION

No. 2:19-cv-20673

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

Oral Argument Requested

Motion Date: August 17, 2020

To: Ari Marcus, Esq.
Marcus & Zelman, LLC
701 Cookman Avenue, Suite 300
Asbury Park, New Jersey 07712
Email: ari@marcuszelman.com
Attorneys for Plaintiff

PLEASE TAKE NOTICE that on August 17, 2020, at 9:00 am or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Pro Custom Solar LLC d/b/a Momentum Solar ("Defendant") will apply to the above-named Court at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an order dismissing plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); and for such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant will rely upon its brief. A proposed form of order is submitted herewith for the Court's consideration.

Dated: Florham Park, New Jersey
July 23, 2020

SCHENCK, PRICE, SMITH & KING, LLP

By: s/ Thomas J. Cotton
Thomas J. Cotton

220 Park Avenue, P.O. Box 991
Florham Park, NJ 07932-0991
Telephone: (973) 539-1000
Fax: (973) 540-7300

tjc@spsk.com

*Attorneys for Defendant,
Pro Custom Solar LLC d/b/a Momentum Solar*